



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: March 10, 2003

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Serial No. : 09/710,061 Examiner Karl D. Frech

Examiner Karl D. Frech

Filed : November 10, 2000

Group Art Unit 2876

## For : MULTI-MODE LIGHT DETECTION SYSTEM

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98**

Applicants are submitting this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the Patent Office the patents and/or other publications listed on the enclosed, completed PTO-1449 form(s). The filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the “references cited” on any patents issuing therefrom.

## **CONTENT OF DISCLOSURE**

This Information Disclosure Statement includes 16 pages of PTO-1449 forms, but does not include copies of the references listed on the accompanying PTO-1449 form(s),



as permitted under 37 C.F.R. § 1.98(d), because copies already were provided in two earlier U.S. applications (Serial No. 09/302,158 and Serial No. 09/629,599, now U.S. Patent No. 6,469,311), both of which are relied on here for an earlier effective filing date under 35 U.S.C. § 120.

### **FOREIGN-LANGUAGE REFERENCES**

A concise explanation of the relevance of each listed reference not in the English language follows:

European No. 0 977 037 A1 – This reference appears to disclose apparatus for conveying a plurality of sample holders.

European No. 0 993 916 A2 – This reference appears to disclose apparatus such as a robot arm for conveying a cylindrical object.

European No. 0 995 555 A1 – This reference appears to disclose apparatus such as a robot arm for conveying a cylindrical object.

European No. 1 003 020 A1 – This reference appears to disclose apparatus for conveying a plurality of cylindrical objects.

European No. 1 003 039 A1 – This reference appears to disclose apparatus for conveying a plurality of cylindrical objects.

### **TIMING OF DISCLOSURE / FEE INFORMATION**

This Information Disclosure Statement is being filed more than three months after the filing date of a national application or the date of entry of the national stage in an international application and after the mailing of a first Office action but, to the best of the undersigned's knowledge, before the mailing date of a final action under 37 C.F.R.

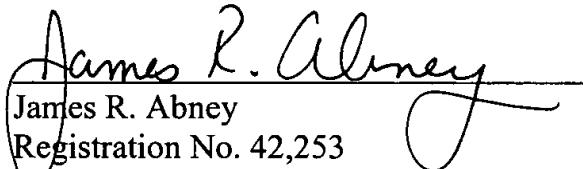


§ 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application. Therefore, in accordance with 37 C.F.R. § 1.97(c)(2), attached herewith is a check for \$180.00 for payment of the fee set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional fees that may be required, or to credit any overpayment, to Account No. 11-1540. A duplicate copy of this sheet is enclosed.

Please contact the undersigned with any questions or comments regarding this Information Disclosure Statement.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on March 10, 2003.



Renee Knight





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FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION	DOCKET NUMBER LJL 348	APPLICATION NUMBER 09/710,061
	APPLICANTS Douglas N. Modlin et al.	
	FILING DATE November 10, 2000	GROUP ART UNIT 2876

#### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2,719,214	9/27/55	Potter			
	3,013,467	12/19/61	Minsky			
	3,423,581	1/21/69	Baer			
	3,516,736	6/23/70	Weaver			
	3,849,654	11/19/74	Malvin			
	3,885,162	5/20/75	Geertz			
	3,932,023	1/13/76	Humer			
	4,011,451	3/8/77	Nelson			
	4,067,653	1/10/78	Fletcher et al.			
	4,074,939	2/21/78	Rabl			
	4,076,420	2/28/78	De Maeyer et al.			
	4,100,416	7/11/78	Hirschfeld			

#### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO
	WO 99/04228	1/28/99	WIPO			XX	
	WO 99/08233	2/18/99	WIPO			XX	

#### OTHER DOCUMENTS

	<i>Standard Handbook for Electrical Engineers</i> , Fink et al., pp. 22-2 through 25-5 (11 <sup>th</sup> ed. 1978).
	<i>Fundamentals of Light Microscopy</i> , Spencer, Cambridge University Press, 1982.
	<i>Principles of Fluorescence Spectroscopy</i> , Lakowicz, First Edition, September 1983.
	<i>Basic Fluorescence Microscopy</i> , Taylor et al., <i>Methods in Cell Biology</i> , Vol. 29, pp. 207-237, 1989.

EXAMINER	DATE CONSIDERED
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<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	4,144,452	3/13/79	Harte			
	4,150,870	4/24/79	d'Auria			
	4,203,670	5/20/80	Bromberg			
	4,240,751	12/23/80	Linnecke et al.			
	4,296,326	10/20/81	Haslop et al.			
	4,341,957	07/27/82	Wieder			
	4,397,560	8/9/83	Andresen			
	4,451,149	5/29/84	Noeller			
	4,451,433	5/29/84	Yamashita et al.			
	4,485,430	11/27/84	Achiaga Fustel			
	4,501,970	2/26/85	Nelson			
	4,567,847	2/4/86	Linner			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	WO 99/23466	5/14/99	WIPO			XX
	WO 99/37203	7/29/99	WIPO			XX
<b>OTHER DOCUMENTS</b>						
	<i>Quantitative Fluorescence Microscopy Using Photomultiplier Tubes and Imaging Detectors</i> , Wampler et al., <u>Methods in Cell Biology</u> , Vol. 29, pp. 239-267, 1989.					
	<i>Three-Dimensional Confocal Fluorescence Microscopy</i> , Brakenhoff et al., <u>Methods in Cell Biology</u> , Vol. 30, pp. 379-389, 1989.					
	<i>Laser Scanning Confocal Microscopy of Living Cells</i> , Lemasters et al., <u>Optical Microscopy: Emerging Methods and Applications</u> , pp. 339-345, 1993.					
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FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER LJL 348	APPLICATION NUMBER 09/710,061			
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	4,591,550	5/27/86	Hafeman et al.			
	4,626,684	12/2/86	Landa			
	4,646,214	2/24/87	Mendleski			
	4,685,801	8/11/87	Minekane			
	4,699,512	10/13/87	Koshi			
	4,704,255	11/3/87	Jolley			
	4,704,353	11/3/87	Humphries et al.			
	4,707,067	11/17/87	Haberland et al.			
	4,724,217	02/09/88	Miller			
	4,730,921	3/15/88	Klein et al.			
	4,737,464	4/12/88	McConnell et al.			
	4,738,825	4/19/88	Kelln et al.			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	WO 99/42817	8/26/99	WIPO			XX
	WO 99/54711	10/28/99	WIPO			XX
<b>OTHER DOCUMENTS</b>						
	<i>Time-Resolved Fluorescence Lifetime Imaging</i> , vandeVen et al., <u>Optical Microscopy: Emerging Methods and Applications</u> , pp. 373-389, 1993.					
	<i>Electrochemiluminescence: A New Diagnostic and Research Tool</i> , Yang et al., <u>Bio/Technology</u> , Vol. 12, pp. 193-194, February 1994.					
	<i>Sorting Single Molecules: Application to Diagnostics and Evolutionary Biotechnology</i> , Eigen et al., <u>PNAS</u> , Vol. 91, pp. 5740-5747, 1994.					
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	4,741,619	5/3/88	Humphries et al.			
	4,753,501	6/28/88	Battle			
	4,758,786	7/19/88	Hafeman			
	4,762,420	8/9/88	Bowley			
	4,772,453	9/20/88	Lisenbee			
	4,784,275	11/15/88	Fridge			
	4,801,804	1/31/89	Rosenthal			
	4,802,768	2/7/89	Gifford et al.			
	4,808,828	2/28/89	Kitamori et al.			
	4,810,096	3/7/89	Russell et al.			
	4,826,660	5/2/89	Smith et al.			
	4,849,330	7/18/89	Humphries et al.			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	WO 00/04364	1/27/00	WIPO			XX
	WO 00/06989	2/10/00	WIPO			XX
<b>OTHER DOCUMENTS</b>						
	<i>High Throughput Screening Using Dynamic Fluorescence</i> , Swift et al., SPIE, Vol. 2388, pp. 182-189, February 6-8, 1995.					
	<i>A Lifetime-Based Optical Co<sub>2</sub> Gas Sensor With Blue or Red Excitation and Stokes or Anti-Stokes Detection</i> , Sipior et al., <u>Analytical Biochemistry</u> , Vol. 227, pp. 309-318 (1995).					
	Genesis Series Robotic Sample Processors brochure, Tecan AG, October 1997.					
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<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	4,855,930	8/8/89	Chao et al.			
	4,868,103	9/19/89	Stavrianopoulos et al.			
	4,873,633	10/10/89	Mezei, Luis M. et al.			
	4,877,965	10/31/89	Dandliker et al.			
	4,883,579	11/28/89	Humphries et al.			
	4,885,087	12/5/89	Kopf			
	4,892,409	1/9/90	Smith			
	4,897,548	1/30/90	Döme et al.			
	4,911,794	3/27/90	Parce et al.			
	4,915,812	4/10/90	Parce et al.			
	4,923,819	5/8/90	Fernandez et al.			
	4,931,402	6/5/90	Abplanalp			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	WO 00/06990	2/10/00	WIPO			XX
	WO 00/06991	2/10/00	WIPO			XX
<b>OTHER DOCUMENTS</b>						
	Genesis Robotic Microplate Processor brochure, Tecan AG, November 1997.					
	A Measure of Brilliance, TR717 Microplate Luminometer brochure, Tropix, Inc., 1997.					
	Advanced Microplate Detection Systems brochure, Tecan AG, February 1998.					
	The SPECTRA Family brochure, Tecan AG, February 1998.					
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	4,936,682	6/26/90	Hoyt			
	4,948,442	8/14/90	Manns			
	4,963,815	10/16/90	Hafeman			
	4,968,148	11/6/90	Chow et al.			
	4,979,821	12/25/90	Schutt et al.			
	5,009,488	4/23/91	Fay et al.			
	5,018,866	5/28/91	Osten			
	5,020,995	6/4/91	Levy			
	5,034,613	7/23/91	Denk et al.			
	5,039,219	8/13/91	James et al.			
	5,047,215	9/10/91	Manns			
	5,058,045	10/15/91	Ma			

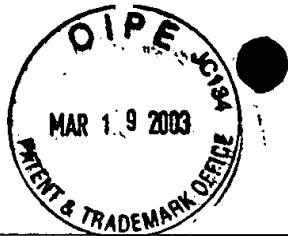
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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO
	WO 00/42209	7/14/00	WIPO			XX	
	WO 00/50877	8/31/00	WIPO			XX	

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	Assist Plate Handling Device brochure, Labsystems, May 1998.
	Tecan SPECTRAfluor – A Step Forward in Microplate Fluorometry, internet description pages, printed from internet on June 17, 1998.
	Wallac Time-Resolved Fluorometry-The Key to Improved Assay Sensitivity, internet description pp., July 7, 1998.

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FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER LJL 348		APPLICATION NUMBER 09/710,061		
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<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	5,082,628	1/21/92	Andreotti et al.			
	5,084,246	1/28/92	Lyman et al.			
	5,091,652	2/25/92	Mathies et al.			
	5,095,517	3/10/92	Monguzzi et al.			
	5,096,807	3/17/92	Leaback			
	5,104,804	4/14/92	Humphries et al.			
	5,112,134	5/12/92	Chow et al.			
	5,160,702	11/3/92	Kopf-Sill et al.			
	5,164,319	11/17/92	Hafeman et al.			
	5,169,601	12/8/92	Ohta et al.			
	5,192,510	3/9/93	Zoha et al.			
	5,196,709	3/23/93	Berndt et al.			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	WO 00/55372	9/21/00	WIPO			XX
	WO 00/66269	11/9/00	WIPO			XX
<b>OTHER DOCUMENTS</b>						
	Wallac 1234 DELFIA Fluorometer, internet description page, July 7, 1998.					
	Wallac 1420 VICTOR Multilabel Counter, internet description pages, July 7, 1998.					
	Wallac 1420 VICTOR <sup>2</sup> Multilabel Counter, internet description pages, July 7, 1998.					
	Wallac 1442 ARTHUR Multi-Wavelength Fluoroimager, internet description page, July 7, 1998.					
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	5,198,670	3/30/93	VanCauter et al.			
	5,206,568	4/27/93	Björnson et al.			
	5,208,161	5/4/93	Saunders et al.			
	5,208,651	5/4/93	Buican			
	5,216,488	6/1/93	Tuunanen et al.			
	5,225,164	7/6/93	Astle			
	5,257,202	10/26/93	Fedderen et al.			
	5,270,788	12/14/93	Cercek et al.			
	5,273,718	12/28/93	Sköld et al.			
	5,275,951	1/4/94	Chow et al.			
	5,278,048	1/11/94	Parce et al.			
	5,281,825	1/25/94	Berndt et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	WO 01/04608	1/18/01	WIPO			XX
	0 266 881 A2	5/11/88	EPO			XX
OTHER DOCUMENTS						
	Wallac Labelling Reagents for Time-Resolved Fluorometry, internet description page, July 7, 1998.					
	Genesis Assay Workstation brochure, Tecan AG, July 1998.					
	Genesis Logistics Workstation brochure, Tecan AG, July 1998.					
	Polarion brochure, Tecan AG, August 1998.					
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FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER LJL 348	APPLICATION NUMBER 09/710,061			
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U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	5,289,407	2/22/94	Strickler et al.			
	5,307,144	4/26/94	Hiroshi et al.			
	5,315,015	5/24/94	Hui et al.			
	5,317,485	5/31/94	Merjanian			
	5,319,436	6/7/94	Manns et al.			
	5,323,008	6/21/94	Studholme et al.			
	5,323,010	6/21/94	Gratton et al.			
	5,340,716	8/23/94	Ullman et al.			
	5,340,747	8/23/94	Eden			
	5,341,215	8/23/94	Seher			
	5,353,112	10/4/94	Smith			
	5,355,215	10/11/94	Schroeder et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	0 259 386 B1	6/5/90	EPO			XX
	0 977 037 A1	2/2/00	EPO			XX
OTHER DOCUMENTS						
	CytoFluor Fluorescence Multi-Well Plate Reader brochure, PerSeptive Biosystems, 1998.					
	Microplate Instrumentation Catalogue 1998, Labsystems, 1998.					
	<i>Fixed Polarizer Ellipsometry for Simple and Sensitive Detection of Thin Films Generated by Specific Molecular Interactions: Applications in Immunoassays and DNA Sequence Detection</i> , Ostroff et al., Clinical Chemistry, Vol. 44, No. 9, pp. 2031-2035, 1998.					
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FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER LJL 348		APPLICATION NUMBER 09/710,061		
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	5,357,095	10/18/94	Weyrauch et al.			
	5,361,626	11/8/94	Colligan et al.			
	5,384,093	1/24/95	Ootani et al.			
	5,395,503	3/7/95	Parce et al.			
	5,401,465	3/28/95	Smethers et al.			
	5,418,371	5/23/95	Aslund et al.			
	5,420,408	5/30/95	Weyrauch et al.			
	5,436,718	7/25/95	Fernandes et al.			
	5,445,935	8/29/95	Royer			
	5,449,921	9/12/95	Baba			
	5,457,527	10/10/95	Manns et al.			
	5,459,300	10/17/95	Kasman			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	0 993 916 A2	4/19/00	EPO			XX
	0 995 555 A1	4/26/00	EPO			XX
<b>OTHER DOCUMENTS</b>						
	Magellan, Instrument Control and Data Analysis Software brochure, Tecan AG, November 1999.					
	TWISTER™, Tecan's Automated Microplate Handler brochure, Tecan AG, November 1999.					
	<i>A Microfabricated Fluorescence-activated Cell Sorter</i> , Fu et al., <u>Nature Biotechnology</u> , Vol. 17, pp. 1109-1111, November 1999.					
	Absorbance Readers brochure, Tecan AG, December 1999.					
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	5,480,804	1/2/96	Niwa et al.			
	5,485,530	1/16/96	Lakowicz et al.			
	5,487,872	1/30/96	Hafeman et al.			
	5,491,343	2/13/96	Brooker			
	5,496,697	3/5/96	Parce et al.			
	5,500,188	3/19/96	Hafeman et al.			
	5,504,337	4/2/96	Lakowicz et al.			
	5,512,492	4/30/96	Herron et al.			
	5,523,573	6/4/96	Hänninen et al.			
	5,527,684	6/18/96	Mabile et al.			
	5,528,046	6/18/96	Ishikawa			
	5,529,752	6/25/96	Pontis et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	1 003 020 A1	5/24/00	EPO			XX
	1 003 039 A1	5/24/00	EPO			XX
OTHER DOCUMENTS						
	ULTRA - The Solution for HTS and Assay Development brochure, Tecan Austria GmbH, December 1999.					
	<i>Principles of Fluorescence Spectroscopy</i> , Lakowicz, Second Edition, 1999.					
	CyBi™-Lumax 1,536 brochure, CyBio AG, May 2000.					
	CyBi™-PlateSafe brochure, CyBio AG, May 2000.					
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	5,537,343	7/16/96	Kikinis et al.			
	5,541,113	7/30/96	Siddigi et al.			
	5,542,012	7/30/96	Fernandes et al.			
	5,557,398	9/17/96	Wechsler et al.			
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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	2 215 838 A	9/27/89	United Kingdom			XX
	2 228 081 A	8/15/90	United Kingdom			XX
<b>OTHER DOCUMENTS</b>						
	SPECTRAmax® GEMINI XS brochure, Molecular Devices Corp., June 2000.					
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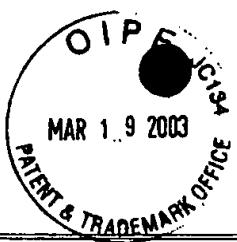
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		APPLICANTS Douglas N. Modlin et al.					
		FILING DATE November 10, 2000		GROUP ART UNIT 2876			
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS	SUB CLASS	FIL. DATE IF APPROP.
	5,599,500	2/4/97	Jones				
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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO	
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		APPLICANTS Douglas N. Modlin et al.					
		FILING DATE November 10, 2000		GROUP ART UNIT 2876			
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME		CLASS	SUB CLASS	FIL. DATE IF APPROP.
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	5,798,083	8/25/98	Massey et al.				
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO	
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	Acumen Explorer brochure, Acumen, undated.						
	FLIPR 384: Essential Technology for Drug Discovery brochure, Molecular Devices Corp., undated.						
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	NEPHELOstar brochure, BMG Labtechnologies GmbH, undated.						
EXAMINER			DATE CONSIDERED				



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		APPLICANTS Douglas N. Modlin et al.				
		FILING DATE November 10, 2000	GROUP ART UNIT 2876			
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
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<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
<b>OTHER DOCUMENTS</b>						
	LUMistar Galaxy brochure, BMG Labtechnologies GmbH, undated.					
	POLARstar Galaxy brochure, BMG Labtechnologies GmbH, undated.					
	POLARstar Galaxy flyer, BMG Labtechnologies GmbH, undated.					
EXAMINER			DATE CONSIDERED			

FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER LJL 348	APPLICATION NUMBER 09/710,061			
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		FILING DATE November 10, 2000	GROUP ART UNIT 2876			
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